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March 14, 1995

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William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 10554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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Re: PR Docket No. 93-144 & PP Docket No. 93-253

Dear Mr. Caton:

The undersigned hereby submits the attached for inclusion in the record of this proceeding. Copies have been distributed to various personnel. Should any question arise concerning this matter, please don't hesitate to call me.

Respectfully submitted,


Robert J. Butler

RJB/nab

Attachment

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List A B C D E

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Matrix of Reply Comments
on Key Issues

PR Docket No. 93-144
PP Docket No. 93-253

Important Notes:

* Descriptions of commenters' positions are necessarily truncated in this format. While every effort has been made to accurately characterize the comments, reference should be made to the original documents for a complete explication of Parties' positions on these issues.

* N/A means "not specifically addressed" in reply comments.

Issues:	AMTA	CLIENTS OF BROWN & SCHWANINGER	DIAL CALL	IIA	MOTOROLA	NEXTEL	ONECOMM CORP.	PITTENCRIEFF	PCIA	SMR WON	SOUTHERN COMPANY	UTC
Upper 200 Channel Blocks:	Wide area SMR service; one 120 channel block and one 80 channel block.	These 13 parties strongly oppose the NPRM generally without discussing alternatives. They believe that wide area SMR service will be detrimental to small SMRs. As a group, they strongly oppose Nextel, auctions and mandatory retuning.	Wide area SMR service; one 10 MHz license	N/A	Wide area SMR service; one 200 channel block.	Wide area SMR service; one 200 channel block.	Generally supports AMTA plan for wide area SMR service; either one 200 channel block or one 120 channel block and one 80 channel block.	Prefers 4 50 channel blocks with a 150 channel cap, but will consider one 120 channel block and one 80 channel if FCC goes with BEAs.	Claims contiguous spectrum and wide-area licensing for a system such as proposed by Nextel are unnecessary. Supports 10 channel blocks.	If FCC holds auctions, auction only 100 channels in two 50 channel blocks; one of the 50 channel blocks should be auctioned in five blocks of 10 channels each. If there are auctions, FCC must establish a relocation block for retuners.	Opposes FCC proposal to allocate spectrum to wide-area SMR service. Such a plan would disrupt the SMR industry and is not in the public interest.	Single entity should be limited to 2 50 channel blocks.

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Upper 200 Service Areas:	BEAs	N/A	MTAs	N/A	BEAs	Cluster BEAs (groups of 4 BEAs), but will accept BEAs as part of comprehensive plan.	Prefers MTAs or cluster BEAs, but will accept BEAs.	BEAs	CMSAs, MSAs, RSAs or BEAs	BEA	N/A	Has serious concerns about MTAs.
Incumbent retuning:	Incumbents provided "Bill of Rights" and initial voluntary negotiations; wide area licensees can earn mandatory retuning rights based on achieving consolidation of constructed spectrum.	Strongly oppose mandatory.	Supports phased in mandatory retuning after period for voluntary retuning; all costs of retuning must be borne by MTA licensees; voluntarily relocating incumbents should receive benefits.	Must be some form of mandatory retuning in final stages; FCC must establish orderly process and incorporate abundant safeguards in excess of AMTA plan to protect incumbent licensees; opposes relocation block.	Voluntary retuning with incentive package. Reevaluation after one year.	6 month voluntary retuning period with incentives to incumbents, followed by a 6 month mandatory period without incentives.	Supports AMTA plan; however, would modify notification plan so that BEA licensee must retune incumbent once notice is given, but incumbent has minimum of six months before reconfiguration occurs. Retuning must be completed within one year of six month notice period.	Will accept mandatory on progressive basis as in AMTA plan; wants "premium package" of benefits for voluntarily relocated incumbents; 90- day notice of intent to retune; incumbent can request and receive premium package within one year; "Standard retuning package" including transition plan for mandatory.	Opposes mandatory retuning. Incumbent licensees should be permitted to modify their systems within current interference contours.	Voluntary only. Seeks relocation block; auction winners must provide their lower 400 channels for relocation block in proportion "to the block of channels they have won".	Forced relocation is not in the public interest. FCC should not limit expansion or growth of existing SMR systems. If FCC does adopt wide- area plan, wide- area licensees must relocate an incumbent when and if the incumbent requests relocation. Incumbents should also be paid a premium.	Opposes mandatory retuning; any relocation plan should protect incumbents; pending relocation, incumbents should be protected either by 70 mile rule or short spacing rules; incumbents should be allowed to construct stations anywhere within a defined protected service area.

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Auctions: Upper 200:	Questions FCC authority and expressly opposes auctions, but notes FCC should explore lawfulness and assess public support.	Oppose auctions.	Opposes auctions.	N/A	Assumes there will be auctions.	The FCC is legally required to use auctions where mutually exclusive applicants exist.	N/A	Prefers no auctions, but will accept.	Opposes use of auctions. Existing licensees should be given the opportunity to have wide-area licenses not subject to auctions. If certain channels in SMR Pool are not geographically licensed, then parties not already operating on those channels could apply.	Opposes auctions, but would accept if protect incumbents.	FCC lacks legal authority to auction 800 MHz spectrum.	N/A
Lower 80:	Opposes auctions.	Oppose auctions.	N/A	N/A	Opposes auctions.	After retuning, the 80 SMR channels and the new SMR blocks would be auctioned on a single channel basis.	Site-by-site and first-come-first-served should be maintained for five years. After initial license period, all licenses should be auctioned on BEA basis.	Opposes auctions.	See above.	Opposes geographic overlay licenses in lower channels.	N/A	N/A

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Subdivision of Spectrum or Service Areas:	Supports allowing partitioning both by frequency blocks and service areas.	N/A	N/A	N/A	Supports partitioning by spectrum and geographic area.	Supports maximum flexibility such as bidding consortia and allowing winners to subdivide licenses along BEA lines.	Opposes frequency partitioning and geographic splits below size of BEA.	N/A	N/A	Opposes as method of dealing with relocation issues.	N/A	N/A
Form of Auction:	If auctions are to be used, supports simultaneous multi- round bidding.	N/A	If auctions are to be used, supports simultaneous multiple-round bidding procedures.	N/A	Simultaneous, multi-round auctions.	Simultaneous multi-round auctions containing minimum bid increments, simultaneous stopping rules, up-front payments and stricter penalties for bid withdrawal.	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Deposits:	Supports substantial up-front and down payments as in the PCS context.	N/A	N/A	N/A	Would require substantial upfront deposits to ensure bidder qualifications.	Would require upfront payments of \$.02 x MHz x total pops and 20% down payments.	N/A	N/A	N/A	N/A	If auctions held, opposes upfront payment proposed by Nextel because will make it difficult for small companies to participate. Also opposes Nextel's proposal for forfeiture of upfront deposit upon withdrawal.	N/A

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Set Asides/ Preferences:	Opposes both spectrum set asides and DE preferences. Supports preferences for existing SMR operators.	N/A	If auctions are used, supports bidding credits for bidder based on number of licensed channels in the MTA. Opposes bidding credits for designated entities.	N/A	Opposes setasides.	N/A	N/A	Supports bidding incentives for incumbents, not others.	N/A	N/A	N/A	N/A
Construction & Coverage Requirements:	N/A	N/A	Supports requirement that MTA licensee provide coverage to at least 1/3 of MTA population in three years and 2/3 in five years; supports requirement that certain percentage of frequencies be constructed; existing licensees should retain extended implementation grants.	N/A	Supports strict construction and coverage requirements.	N/A	Existing construction and implementation schedules should be honored. New wide area SMRs should have 5 year schedules, with coverage of 1/3 of population or geography in 3 years and 2/3 in 5 years.	Supports strict construction and coverage requirements.	N/A	Return channels not constructed within 2-3 years. Auction winners bound by previous 5-year extended schedules.	Existing extended implementation schedules should not be rescinded.	N/A
Antiwarehouse:	N/A	N/A	N/A	N/A	See above.	N/A	See above.	See above.	N/A	10 MHz spectrum cap with no attribution maximums.	FNPRM plan encourages spectrum underutilization and warehousing.	No more than two 50 channel blocks in same geographic area to any licensee

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Intercategory Sharing:		N/A	N/A									
General Pool:	Prospective exclusive SMR use of General Channels.			General Pool channels should not be reallocated solely for SMR use.	General and SMR Pools should be for SMR use only prospectively.	Exclusive SMR use of General Pool.	Supports continued intercategory sharing.	FCC should designate the General Category channels for local SMR use and the Pool channels should continue to be available for intercategory sharing.	Current rules for General Category should be maintained. Business channels should not be reallocated for SMRs.	General Pool is most likely place for Relocation Block. No modification of intercategory sharing rules for Public Safety, Business, and Industrial channels.	The reallocation of General Category and Business channels cannot properly be considered in this Rulemaking.	No new SMR licensees in General Category channels, except that could be used for retuned SMRs that cannot find other suitable spectrum. No SMR use of Industrial/ Land or Business channels.
SMR Pool:												
Public Safety, Industrial and Business Pools:	Exclusive SMR use of SMR pool. SMRs would be prohibited from acquiring spectrum in Public Safety, Industrial and Business pools.			Industrial/Land Pool should not be used for retuned SMRs; supports continued use of public safety channels by industrial/land eligibles; supports existing sharing rule.	Public Safety channels should have no SMRs. Other sharing would be allowed. Industrial and Business Pools should have no SMRs but other sharing allowed. All on prospective basis-grandfather existing users. Future CMRS treated as such now.	Exclusive SMR use of SMR pool. Business pool frequencies for SMR use.						

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Site Specific or Service Area Licenses (Lower channels):	Supports BEA service areas for General and SMR Pool channels.	N/A	All incumbent licensees should be able to maintain and expand existing systems within the 22 dBu contour.	N/A	Continue site specific licensing for lower channels.	Cluster BEAs	Continue with site-specific for five years but allow SMR systems in lower band to expand to wide-area systems, form joint ventures or consortia. After original license period, all licenses auctioned on BEA basis.	Continue with site - specific licensing of lower channels. Allow future BEA-wide licensing after retuning completed.	N/A	Retuned incumbents get geographic licenses.	N/A	Incumbents should have a defined protected service area.